

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 1, 1998

ALL COUNTY LETTER NO. 98-44

TO: ALL COUNTY WELFARE DIRECTORS
ALL CalWORKs PROGRAM SPECIALISTS

REASON FOR THIS TRANSMITTAL

- ☒ State Law Change
☐ Federal Law or Regulation Change
☐ Court Order
☐ Clarification Requested by One or More Counties
☐ Initiated by CDSS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CalWORKs) 60-MONTH TIME LIMIT REGULATIONS

REFERENCE: WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 11454, 11454.5,
AND 11495.1 AS ENACTED BY ASSEMBLY BILL (AB) 1542, CHAPTER
270, STATUTES OF 1997; ALL COUNTY LETTERS (ACLs) 97-65, 97-68,
AND 98-09

The purpose of this letter is to provide County Welfare Departments (CWDs) with proposed emergency regulations and instructions regarding the CalWORKs program's 60-month time limit for cash aid. These regulations have been submitted to the Office of Administrative Law and are effective July 1, 1998.

Summary of Regulations

The regulations continue the 60-month time limit policies established in ACLs 97-65, 97-68, and 98-09 and provide the clarifications and/or additions below. Please note that there are exemptions to the time limit that exempt months from the count ("stop the clock") or enable an individual to receive aid after reaching the 60-month time limit. Some of the same exemption criteria "stop the clock" and allow aid beyond the 60-month time limit. However, to "stop the clock" it is only necessary for exemption criteria to be met by the individual. The exemptions allowing aid beyond the 60-month time limit apply only if all parents, caretaker relatives, and aided stepparents of the applicant child meet an exemption criterion. The county may also find that a victim of domestic violence has good cause to "stop the clock" or extend aid beyond the time limit, and this circumstance applies only to the individual. The clarifications and/or additions are as follows:

Cash Grant Status Cases: The 60-month time limit applies only to cash-grant-eligible cases, which include cases that receive Zero Base Grants (ZBGs) as defined in Section 44-315.9, Special Needs as defined in Section 44-211, and Reduced Income Supplemental Payments (RISPs) as defined in Section 44-400.

Diversion Payments: The month in which the diversion payment is made counts toward the 60-month time limit unless the recipient reapplies during the diversion period and opts to have the diversion payment recouped. If the recipient reapplies during the diversion period and is determined eligible, the recipient may opt to have the diversion payment recouped from the cash grant or apply all the months of the diversion period toward the 60-month time limit.

Time Limit for Adults: The lifetime 60-month time limit applies to all aided adults, including aided stepparents, unless all of the adults meet at least one of the exemptions.

Advanced Age of 60: The exemption for an individual age 60 or older also "stops the clock" for purposes of the 60-month count.

Incapacitated Household Member: The exemption for providing care for an ill or incapacitated "household" member defines "household" member as any member residing in the home.

Teen Parent Program: The exemption for being "eligible for" or "a participant in" Cal-Learn or another teen parent program approved by CDSS, is clarified to say the exemption does not apply to individuals 19 years of age who do not opt to volunteer for Cal-Learn. In this circumstance, these individuals are not considered "eligible for" or "participating in" Cal-Learn.

Reimbursed Child Support: The exemption which precludes any month from counting toward the 60-month time limit when the cash grant is fully reimbursed as a result of child support collection applies to the months of aid reimbursed to other states, as well as California. The exemption may apply retroactively.

Domestic Violence: The county welfare department may waive time limits for victims of domestic violence who are found to have good cause. This exemption applies as one of the criteria to receive aid beyond the 60-month time limit as well as one of the criteria which "stops the clock" for purposes of the 60-month count.

Notices of Action (NOAs) and Forms

The 60-month time limit regulations will require new NOAs and minor changes on some forms. The informing narrative provided in ACL 97-65 for TEMP SL 5, 60-Month Time Limit, is out of date. This material will be made available at a later date under separate cover.

Translations

Counties should call the Forms Management Bureau at (916) 654-1907 or CALNET at 437-1907 for camera-ready copies of any form, NA form, NOA message, or suggested informing language in any language. However, counties that have provided Language Services Bureau with a county contact and the specific languages (Spanish, Chinese, Cambodian, Vietnamese and Russian) will automatically be sent those languages as soon as the document (form/NA form/NOA message/informing notice) is translated.

Contacts

If you have questions regarding the 60-month time limit, please contact Julie Lopes at (916) 654-1786 or CALNET at 464-1786.

Sincerely,
***Original Document Signed By
Bruce Wagstaff on July 1, 1998***
BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: CWDA
CSAC

Adopt Section 40-035 to read:

40-035 IMPLEMENTATION OF REGULATIONS PURSUANT TO 40-035
WELFARE AND INSTITUTIONS CODE SECTIONS 11454,
11454.5 AND 11495.1, ENACTED BY ASSEMBLY BILL (AB) 1542,
CHAPTER 270, STATUTES OF 1997)

.1 Sections Implemented

The following sections have been adopted or amended to comply with the new 60-month time limit provisions as set forth in Welfare and Institutions Code Sections 11454, 11454.5 and 11495.1 and 42 U. S. C. 608(a)(7)(A) and (B). These provisions were enacted by AB 1542, Chapter 270, Statutes of 1997. The regulatory action will:

Establish a 60-month limit for the receipt of aid for adults and the exceptions under which adults may receive aid beyond 60-months.

Specify how and when months of aid are counted toward the 60-month time limit, and identify the criteria for excluding months from the count.

Define what aid counts toward the 60-month time limit.

.11 Sections Adopted

42-300 General Time Limit Requirements

42-301 General Time Limit Requirements
For Adults

42-302 60-Month Time Limit Requirements
For Adults

.12 Section Amended

82-832 Excluded Persons - Adds Persons who are Ineligible for Aid on the Basis of Exceeding the Time Limit Requirements

.2 Effective Date

All regulatory action implementing the provisions of
AB 1542, Chapter 270, Statutes of 1997 shall become
effective July 1, 1998.

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11454, 11454.5 and 11495.1, Welfare and Institutions Code.

Adopt Chapter 42-300 and Section 42-301 to read:

CHAPTER 42-300 GENERAL TIME LIMIT REQUIREMENTS

42-301 GENERAL TIME LIMIT REQUIREMENTS FOR ADULTS

42-301

- .1 Time Limits Effective January 1, 1998, there shall be time limits on the receipt of aid for certain adults as specified in Section 42-302.1. Prior to this date, no months shall count toward the time limit provisions.
- .2 Ineligible Due to Time Limits Persons who are ineligible for aid based on the 18-and 24-month time limit provisions, specified in Section 42-710, and/or the 60-month time limit provisions, specified in Section 42-302, shall be removed from the AU.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11450 and 11454(a), (b) and (c), Welfare and Institutions Code.

Adopt Section 42-302 to read:

42-302 60-MONTH TIME LIMIT REQUIREMENTS FOR ADULTS

42-302

.1 60-Month Time Limit

Except as specified in Section 42-302.11, no individual shall be eligible for aid when that individual has received aid as an adult, 18 years of age or older, for a cumulative total of 60 months. The 60-month time limit applies both to aid received under CalWORKs and under another state's program funded by the federal Temporary Assistance to Needy Families (TANF) Program. The 60-month time limit shall not apply to children.

.11 Exceptions

When an individual has been aided as an adult for 60 months, aid may continue for that adult when all parents, aided stepparents, and/or caretaker relatives residing in the home of the aided child(ren) meet any of the following conditions:

.111 Advanced Age

The individual is 60 years of age or older.

.112 Providing Care

The individual is exempt from welfare-to-work participation requirements due to:

(a)

The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.

(b)

Being a nonparent caretaker of either a dependent child of the court or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities.

.113 Disabled

The individual is receiving benefits from State Disability Insurance, Worker's Compensation Temporary Disability Insurance, In-Home Supportive Services, or the State Supplementary Program, and the disability

significantly impairs his/her ability to be employed on a regular basis or to participate in welfare-to-work activities.

.114 Unable to Maintain Employment or Participate

The individual is not able to maintain employment or to participate in welfare-to-work activities, as determined by the county, based on the assessment of the individual and the county's finding that the individual has a history of participation and full cooperation in welfare-to-work activities.

.115 Unaided

The individual is excluded from the AU for reasons other than exceeding the time limit.

.12 Domestic Violence

When an individual has been aided as an adult for 60 months, aid may continue for that adult when the individual is a victim of domestic violence and the county has determined that good cause exists for waiving the 60-month time limit.

.2 Counting the 60-Month Limit

Any month or partial month in which an adult is included in an AU that receives a cash grant, including Zero Base Grants (Section 44-315.9) and Reduced Income Supplemental Payments (Section 44-400) shall count for the purposes of the 60-month time limit, except as provided in Sections 42-302.21 (Exempt Months) and 42-302.22 (Diversion).

.21 Exempt Months

Any month in which any of the following conditions exist shall not count toward the 60-month limit as specified:

.211 Disability

The individual is exempt from welfare-to-work participation requirements due to a verified disability that is expected to last at least 30 days.

<u>.212</u>	<u>Providing Care</u>	<u>The individual is exempt from welfare-to-work participation requirements due to:</u>
	<u>(a)</u>	<u>The need to care for an ill or incapacitated person residing in the home, and the caretaking responsibilities impair the individual's ability to be regularly employed or to participate in welfare-to-work activities.</u>
	<u>(b)</u>	<u>Being the nonparent caretaker of either a dependent child of the court or, as determined by the county, a child who is at risk of placement in foster care. For this exemption to apply, the county must also determine that the caretaking responsibilities are beyond those considered normal day-to-day parenting responsibilities so that they impair the individual's ability to be regularly employed or to participate in the welfare-to-work activities.</u>
<u>.213</u>	<u>Domestic Violence</u>	<u>The individual is a victim of domestic violence and the county has determined that good cause exists for waiving the 60-month time limit.</u>
<u>.214</u>	<u>Teen Program</u>	<u>The individual is eligible for, participating in, or exempt from Cal-Learn or another teen parent program approved by the CDSS. The exemption does not apply to an individual who is 19 years of age and is eligible for voluntary participation if the individual chooses not to participate in Cal-Learn.</u>
<u>.215</u>	<u>Advanced Age</u>	<u>The individual is exempt from welfare-to-work participation requirements due to being 60 years of age or older.</u>
<u>.216</u>	<u>Unaided</u>	<u>The individual is excluded from the AU for reasons other than exceeding the time limit.</u>

.217 Aid is Reimbursed

The cash aid is fully reimbursed as a result of child support collection whether collected in that month or any subsequent month. This includes child support reimbursements for months of aid from other states.

(a) Other States

When the individual's 60-month time limit has been reached and the individual declares that months of aid have been fully reimbursed in another state as a result of child support collection, the county shall verify this information and credit the month(s) for California's 60-month time limit.

.22 Diversion Count

Diversion payments as set forth in Section 81-215 count toward the 60-month time limit unless they are recouped as provided in Section 42-302.223(a). Count the months as follows:

.221 Diversion Payment Month

The month in which a lump sum diversion payment is made counts as one month toward the 60-month time limit unless the diversion recipient applies for CalWORKs cash aid during the diversion period, as specified in Section 81-215.41, and is determined to be eligible for CalWORKs. In that case, the diversion payment is treated in accordance with Section 42-302.223.

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.222

A recipient receives a diversion lump sum payment of \$1,800 in March. The month of March counts toward the 60-month time limit. The recipient's Region 2, Non-Exempt MAP amount is \$538. This results in a diversion period of three months for the months of March, April, and May. The recipient does not apply for CalWORKs cash

aid during the diversion period. The recipient reapplies in September and receives another diversion payment of \$800 in September. The months of March and September both apply toward the 60-month time limit.

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- .223 Reapplies for CalWORKs During Diversion Period If the diversion recipient applies for cash aid during the diversion period and is determined eligible, the recipient shall have the option to:
- (a) Have the diversion payment recouped from the CalWORKs cash aid; or
- (b) Count the diversion payment toward the 60-month time limit.
- (1) The number of months counted toward the 60-month time limit is calculated by dividing the total diversion payment by the MAP for the apparently eligible AU at the time the diversion payment was made. The month(s) resulting from this calculation, less any partial month, is (are) counted toward the 60-month limit. Do not count the initial month (as counted pursuant to Section 42-302.221) twice.

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- .224 A recipient with a Region 2, Non-Exempt MAP of \$538 received a lump sum diversion payment in the amount of \$1,800 in March. The recipient returns to the county in May (within the diversion period), is determined eligible for CalWORKs cash aid, and opts not to have the \$1,800 diversion payment recouped from the CalWORKs cash aid. The diversion payment equates to 3.3 months of aid. The partial month is dropped, and the recipient has a total of three months (March, April, and May) counted toward the 60-month time limit.
- .225 A recipient with a Region 2, Non-Exempt Map of \$538 receives a diversion lump sum payment of \$100 on March 2. The recipient reapplies for CalWORKs cash aid in the same

month and is determined eligible. The month of March counts as one month toward the 60-month limit because the recipient received CalWORKs aid.

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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11266.5, 11454, 11454.5 and 11495.1, Welfare and Institutions Code, and 42 U.S.C. 608(a)(7)(A) and(B).

Amend Section 82-832.1 to read:

82-832 Excluded Persons

82-832

.1 Person Who is
Excluded By Law
(Continued)

A person excluded from the AU by law is
a person who:

.14 Person Who Has Exceeded
the Time Limit

Is a person who has become ineligible
for cash aid due to exceeding the 18-, 24-
(Section 42-710), or 60-month time limits
(Section 42-302) for aid.

.2 (Continued)

Authority Cited: Sections 10553, 10554, and 11270, Welfare and Institutions Code.

Reference: 45 CFR 205.42(d)(2)(v)(A) and (B), as printed in Federal Register, Vol. 57, No. 198, Tuesday, October 13, 1992, page 46808, 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, 45 CFR 240.22, and 45 CFR 250.34(a) and (c), and (c)(2); ~~and~~ Sections 11008.13, 11104, 11157, 11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e), 11406.5, 11450, 11454, 11454.5, 11477, and 11486, Welfare and Institutions Code.